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10 *Interim Class Counsel*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **OAKLAND DIVISION**  
15

16 IN RE CALIFORNIA BAIL BOND  
17 ANTITRUST LITIGATION

Case No. 4:19-cv-00717-JST-DMR

**DECLARATION OF DEAN M. HARVEY  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION**

18 This Document Relates To:

19 ALL ACTIONS  
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1 I, Dean M. Harvey, declare as follows:

2 1. I am a partner at the law firm of Lieff Cabraser Heimann & Bernstein, LLP (“Lieff  
3 Cabraser”), which was appointed Interim Class Counsel in the above captioned case. I have  
4 personal knowledge of the facts herein and, if called upon to testify to those facts, I could and  
5 would do so competently.

6 2. Founded in 1972, Lieff Cabraser is a 125+ attorney AV-rated law firm with offices  
7 in San Francisco, New York, Nashville, and Munich. We have served as Court-appointed  
8 Plaintiffs’ Lead or Class Counsel in many hundreds of state and federal coordinated, multi-  
9 district, and complex litigations throughout the United States. Lieff Cabraser is among the largest  
10 firms in the country that only represent plaintiffs. The firm’s practice focuses on complex and  
11 class action litigation involving antitrust, employment, civil rights, sexual abuse and gender  
12 violence, whistleblower, digital privacy, financial and securities fraud, mass tort, and product  
13 liability matters. Attached hereto as **Exhibit A** is a true and correct copy of Lieff Cabraser’s  
14 current firm resume, showing some of the firm’s experience in complex and class action  
15 litigation. This resume is not a complete listing of all cases in which Lieff Cabraser has been  
16 class counsel or counsel of record. The resume also includes further information regarding each  
17 member of the case team beyond the summaries below.

18 **Lieff Cabraser Staffing in this Case**

19 3. **Dean M. Harvey.** I graduated from the University of California, Berkeley, School  
20 of Law (Berkeley Law) in 2006 and clerked for the Honorable James V. Selna of the United  
21 States District Court for the Central District of California. I have worked at Lieff Cabraser since  
22 March 2009, and I am a member of the firm’s Executive Committee. I have extensive experience  
23 litigating large, complex class actions, including (as detailed below) antitrust class actions.

24 4. I have been appointed to lead or co-lead positions in a number of MDLs and other  
25 large complex and class cases, often on contested motions, including: *Seaman v. Duke Univ., et*  
26 *al.*, No. 15-cv-00462-CCE-JLW (M.D.N.C.); *In re Railway Industry Employee No-Poach*  
27 *Antitrust Litig.*, MDL No. 2850 (W.D. Pa.); *In re Outpatient Medical Center Employee Antitrust*  
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1 *Litig.*, No. 1:21-cv-00305-SRJ-SRH (N.D. Ill.); and *Deslandes v. McDonald's USA, LLC et al.*,  
 2 No. 1:17-cv-04857 (N.D. Ill.).

3 5. I am a member of the American Antitrust Institute's Advisory Board, and I serve  
 4 as an Expert assisting the California Law Revision Commission in its assessment of California  
 5 antitrust law. I am also a member of the Executive Committee of the Antitrust and Unfair  
 6 Competition Law Section of the California Lawyers Association. I previously served as Co-Chair  
 7 of the American Bar Association Section of Antitrust Law, Competition Torts Committee, and as  
 8 a member of the Law360 Competition Editorial Advisory Board.

9 6. **Katherine Lubin Benson.** Ms. Benson is a partner in the firm's antitrust and  
 10 securities practice groups. Ms. Benson has had responsibility over discovery in the litigation, and  
 11 with myself, had responsibility over case strategy throughout the litigation. Ms. Benson has been  
 12 named a "Rising Star for Northern California" from 2016 to 2023, and she was selected for  
 13 inclusion by peers in The Best Lawyers in America in the field "Litigation – Securities" in 2023-  
 14 2025. She received her J.D. from the University of California, Berkeley, School of Law in 2008.

15 7. **Michelle A. Lamy.** Ms. Lamy is a partner in the firm's San Francisco office. Ms.  
 16 Lamy specializes in employment and antitrust class actions on behalf of plaintiffs, and individual  
 17 cases addressing sexual abuse and sex trafficking on behalf of survivors. Her case responsibilities  
 18 included handling discovery disputes and depositions, as well as assisting with briefing. Ms.  
 19 Lamy has also had responsibility over case strategy throughout the litigation. Ms. Lamy received  
 20 her J.D. from Stanford Law School in 2015 and clerked for the Honorable Thelton E. Henderson  
 21 of the United States District Court for the Northern District of California. From 2021-2024, she  
 22 served on the Executive Committee for the Litigation Section of the Bar Association of San  
 23 Francisco. She was named a "Top 40 Under 40 Lawyer" by the Daily Journal in 2023; was  
 24 named a "Rising Star for Employment Law" by Law360 in 2023; was named one of the  
 25 "Lawdragon 500 Leading Plaintiff Employment & Civil Rights Lawyers in America," and among  
 26 the "Lawdragon 500 X – The Next Generation" in 2023; was honored with the American  
 27 Antitrust Institute's "Outstanding Private Practice Antitrust Achievement" in 2020 for her work  
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on *Cipro Cases I and II*; and has been recognized as a Rising Star for Northern California (Super Lawyers) in every year since 2019.

8. **Miriam E. Marks**. Ms. Marks is an associate in the firm's San Francisco office. Ms. Marks oversaw all aspects of case management, including leading the firm's effort on this case with respect to discovery and all major briefing, including motions to dismiss and the motion to certify the class. Ms. Marks has served in similar roles in the McKinsey & Co. National Prescription Opiate MDL, the National Prescription Opiate MDL, and the Generic Drugs Pricing Antitrust MDL. Ms. Marks received her J.D. from New York University School of Law in 2019 and clerked for the Honorable Pamela K. Chen of the United States District Court for the Eastern District of New York.

9. **Emily N. Harwell**. Ms. Harwell is an associate in the firm's New York office. Ms. Harwell oversaw third-party discovery. Ms. Harwell also assisted with deposition and class certification preparation, discovery disputes, and validating and challenging the Defendants' privilege designations. Ms. Harwell received her J.D. from Cornell University School of Law in 2022.

10. **Nicole M. Rubin**. Ms. Rubin is an associate in the firm's San Francisco office. Ms. Rubin assisted with briefing for class certification. Ms. Rubin received her J.D. from Harvard Law School and clerked for the Honorable Judge James K. Bredar of the United States District Court for the District of Maryland.

### **PLEADINGS AND DISCOVERY**

11. On January 29, 2019, Plaintiffs commenced the action *Crain, et al. v. Accredited Surety and Casualty Co., et al.* (the "Crain Action"). On May 1, 2019, the Court consolidated the Crain Action with a subsequently-filed related action, and appointed the undersigned Interim Class Counsel under Federal Rule of Civil Procedure 23(g). ECF No. 29. Plaintiffs filed the Consolidated Class Action Complaint ("CAC") on June 13, 2019. ECF No. 46.

12. On July 15, 2019, certain Defendants filed a motion to dismiss the CAC. ECF No. 58. Thereafter, Plaintiffs filed the Second Consolidated Amended Class Action Complaint ("SCAC") on May 13, 2020. ECF No. 94. Again, certain Defendants filed a motion to dismiss

the SCAC. ECF No. 112. On January 5, 2021, the Court granted in part the motion to dismiss, but also permitted targeted discovery to proceed, “to allow Plaintiffs to gather the facts necessary to correct any perceived deficiencies in the pleading of their complaint.” ECF No. 151.

13. Following that discovery, on April 11, 2022, Plaintiffs filed the Third Consolidated Amended Class Action Complaint (“TCAC”). ECF No. 269. On May 26, 2022, certain Defendants filed a motion to dismiss the TCAC. ECF No. 284. On November 7, 2022, the Court denied the motion to dismiss the TCAC. ECF No. 330. Following the denial of the motion to dismiss the TCAC, the Parties have been engaging in full discovery.

14. In response to Plaintiffs’ discovery requests, Defendants produced, to date, 899,486 documents (totaling 3,836,406 pages) as well as their transactional data. Third parties have produced an additional 13,191 (totaling 395,827 pages).

15. To date, Plaintiffs have taken 15 depositions of Defendant fact witnesses, and have taken 9 depositions of third-party bail agents. In total, Plaintiffs have completed 24 fact depositions in this case.

16. LCHB has worked, and will continue to work, to ensure that this case is litigated effectively and efficiently without duplication of work and effort. LCHB is fully prepared, and has the resources, to litigate this case through trial and appeal if necessary.

### **EXHIBITS**

17. Throughout the Class Period, all Surety Defendants submitted the same “standard rate” to CDI: 10% of the total bail amount.

<b>Defendant</b>	<b>CDI Rate Filing No.</b>
Accredited	10-5444
ACIC	99-4688
ACIC	08-2395
ASC	98-7361
Bankers	03-11
Bankers	07-838
Bankers	09-4748
CHIC	99-13986
CHIC	09-3983
CHIC	16-2684
CHIC	17-1995
Danielson	08-1743
Danielson	11-1995

FCS	04-8381
FCS	14-7527
FCS	18-2776
IFIC/Allegheny	13-4508
IFIC/Allegheny	17-4681
IFIC/Allegheny	17-6595
ILM	05-6589
Lexington	03-3414
Lexington	06-8729
Lexington	15-10267
Lexon	11-5648
North River/U.S. Fire	07-4496
North River/U.S. Fire	12-725
North River/U.S. fire	13-3656
Seaview	11-6920
Seneca	07-6650
Seneca	13-2290
Seneca	14-3522
Seneca	18-3953
Sun Surety	08-11696
Sun Surety	17-20
Universal Fire	17-7130
Williamsburg	11-1622

18. Attached hereto as Exhibits are true and correct copies of the documents reflected in the following chart.

<b>Exhibit No.</b>	<b>Bates No.<sup>1</sup></b>	<b>Description</b>
A		LCHB Firm Resume
1.		Pls. Ex. 138 – Email Re: Approval of Application
2.		Deposition of William B. Carmichael (Sept. 7, 2024)
3.	AIA_000054282	Pls. Ex. 3 – Email/Attachment Re: Management Fee Question
4.	CHIC-00104571	Pls. Ex. 12 – Email Re: Mass Expansion Application
5.	ACCRED000104325	Pls. Ex. 104 – Email Re: AM Best Power Point
6.		Deposition of Donald Blackwell (June 13, 2024)
7.		Deposition of Francis E. Lauricella, Jr. (June 5, 2024)
8.	ASC 555573	Pls. Ex. 201 – Email FW: California Rate Verification Letter
9.		SFAA Membership List
10.	SFAA 000041	Pls. Ex. 35 – SAA/SFAA Compiled Meeting Minutes (2003-2009)
11.	LEXINGTON_000139881	Pls. Ex. 54 – SAA BBAC Minutes, 2/21/2005
12.	SFAA 000001	Bail Bond Advisory Committee Members
13.		Pls. Ex. 64 – Seaview CDI Rate Filing No. 11-6920

<sup>1</sup> The Bates numbers in this column reflect the Bates number appearing on the first full page of the document.

14.		Deposition of Robert Hayes (July 18, 2024)
15.		Pls. Ex. 118 – Declaration of Steffan Gibbs
16.		Expert Report of Hal J. Singer, Ph.D.
17.	AIA_000033923	Pls. Ex. 119 – San Diego Bail Association
18.	AIA_000033922	Pls. Ex. 120 – “King” Stahlman Bail Bonds
19.	DNIC0010249	Two Jinn, Inc. Proposal to Board
20.		Complaint, <i>Pac. Bonding Corp. v. Garamendi</i> , No. GIC 815786 (Cal. Super. Ct. Aug. 8, 2003)
21.		Statement of Decision, <i>Pac. Bonding Corp. v. Garamendi</i> , No. GIC 815786 (Cal. Super. Ct.)
22.		Deposition of Brian Nairin (Sept. 5, 2024)
23.		Deposition of Steven Mehr (Sept. 24, 2024)
24.		First Am. Compl., <i>Pac. Bonding Corp. v. Cal. Bail Agents Ass’n</i> , No. CIV 439663 (Cal. Super. Ct. June 1, 2004)
25.		Ex. B - First Am. Compl., <i>Pac. Bonding Corp. v. Cal. Bail Agents Ass’n</i> , No. CIV 439663 (Cal. Super. Ct. June 1, 2004)
26.		Ex. A - First Am. Compl., <i>Pac. Bonding Corp. v. Cal. Bail Agents Ass’n</i> , No. CIV 439663 (Cal. Super. Ct. June 1, 2004)
27.		Seaview CDI Exam 2012
28.		Compl., <i>Pac. Bonding Corp. v. Cal. Bail Agents Ass’n</i> , No. CIV 439663 (Cal. Super. Ct. Nov. 3, 2003)
29.	TWOJINN-00006630	Pls. Ex. 74 – Rebate Program Objections
30.		Pls. Ex. 249 – Greg Padilla Bail Bonds Webpage: How Bail Works and Other Frequently Asked Questions
31.		Pls. Ex. 243 – Absolute Bail Bonds Webpage: Bail Bonds and the Department of Insurance
32.		Deposition of George Stahlman, Jr. (Sept. 25, 2024)
33.		Deposition of Sean Cook (Nov. 8, 2024)
34.		Deposition of Michael Bench (Nov. 20, 2024)
35.		Pls. Ex. 122 – Carmichael Newsletter
36.		Deposition of Jonathan Schneider (Aug. 22, 2024)
37.	ILM043057	Pls. Ex. 97 – Email Re: California
38.		Pls. Ex. 138 – Documents Re: Approval of Application
39.	ASC 538171	Pls. Ex. 227 – Email Re: Denver Board Meeting
40.		Deposition of Mark Francis (May 7, 2024)
41.		Deposition of Mark Holtschneider (Sept. 12, 2024)
42.		Deposition of Lisa Thompson (June 12, 2024)
43.	ASC 016278	Pls. Ex. 222 – Email from William Carmichael to Gary Logue
44.	ACIC000039063	Pls. Ex. 114 – Email Re: Bail Forms
45.	CBAA000008537	Pls. Ex. 34 – 2013 CBAA Standardized Forms Project
46.	LEXINGTON_000005279	Pls. Ex. 190 – Rebating
47.	LEXINGTON_000139613	Pls. Ex. 169 – Email Re: Internal Structuring of CalBIG



1	48.		Pls. Ex. 223 – Carmichael Newsletter
2	49.	ASC 016482	Pls. Ex. 170 – Email Re: CalBIG Meeting Materials
3	50.	ASC 016598	Pls. Ex. 173 – CalBIG October 26 Teleconference Agenda
4	51.	LEXINGTON_000139561	Pls. Ex. 186 – CalBIG Email
5	52.	BANKERS_000000308	Pls. Ex. 175 – Email FW: Legislation- Recommended Change
6	53.	ASC 016712	Pls. Ex. 176 – Email Re: CalBIG Legislative Initiative
7	54.	ARBB 0000816	Pls. Ex. 192 – Email Re: Conference Call
8	55.	GSBA000001956	Pls. Ex. 193 – Email Re: GSBA and CBAA
9	56.	CDI_000000262	Pls. Ex. 124 – CDI Bail Ad Hoc Committee Meeting Minutes
10	57.		Deposition of Topo Padilla (Nov. 25, 2024)
11	58.	ACIC_000013069	Pls. Ex. 23 – Email Re: 6% Net Bond Cost
12	59.	ACIC_000006907	Pls. Ex. 237 – Email Re: 6% Net Bond Cost
13	60.	ACIC_000013099	Pls. Ex. 25 – Email Re: Discounting and Rebating
14	61.	ACCRED0000131301	Email Re: Discounting in California and Chad Connelly
15	62.	ACCRED000265209	Pls. Ex. 106 – Email Re: Now Offering Bonds at a Net 5% for Attorney Clients
16	63.	ACCRED000156345	Email Re: Conley Case
17	64.	ACCRED000036262	Email Re: 1995 Conley Case
18	65.	ACCRED000284988	Email Re: Now Offering Bonds at a Net 5% For Attorney Clients
19	66.		Pls. Ex. 30 – Chad Conley Google+ Post
20	67.		<i>In re License &amp; Licensing Rights of Chad Joseph Conley</i> , No. PLBS 12388-A (Cal. Insurance Comm’r Apr. 18, 2019)
21	68.	ABC000007955	Pls. Ex. 32 – Email Fwd: California Rate Verification Letter
22	69.	GSBA000014779	Pls. Ex. 257 – Email Re: DOI Hearing Questions
23	70.	ASC 554781	Pls. Ex. 180 – ABC Board Meeting, 11/9/2016, 2-5PT, Agenda and Materials
24	71.	ABC005429	Pls. Ex. 221 – American Bail Coalition Board Meeting Agenda
25	72.	LEXINGTON_000011053	Pls. Ex. 199 – Re: Response to California Letter
26	73.	ASC 562505	Pls. Ex. 181 – ABC Board Meeting Agenda and Material, 2-23-17
27	74.	ASC 555763	Pls. Ex. 204 – Email Re: Bail Coalition Working Group White Paper and Extension
28	75.		Deposition of William Shields (July 24, 2024)
	76.	ACCRED000002579	Pls. Ex. 109 – Email Re: FYI International Fidelity
	77.	GSBAA000014824	Pls. Ex. 258 – Email Re: DOI Hearing Questions
	78.		2017 Wayback Machine Website: CDI Rebating
	79.		Lexington – CDI Rate Filing No. 15-10267
	80.		Pls. Ex. 210 – Bad Boys Bail Bonds Website
	81.		Pls. Ex. 211 – Bad Boys Bail Bonds Website



82.		Pls. Ex. 244 – Absolute Bail Bonds Website
83.		Deposition of Craig Stanley (Aug. 23, 2024)

\* \* \*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 11th day of December 2024, in San Francisco, California.

/s/ Dean M. Harvey  
Dean M. Harvey